





ORDER RECEIVED FOR FILING

DATE *Oct 19 1979*

BY *Administrative Services*

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be granted and it further appears that the granting of the Variance(s) requested will not adversely affect the health, safety, and general welfare of the community and, therefore, for:

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of October, 1979, that the herein Petition for Variances to permit a minimum diametral dimension of 145 feet in lieu of the required 250 feet and a side yard setback of 15 feet in lieu of the required 50 feet, for the expressed purpose of constructing a dwelling thereon, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with subdivision regulations.
2. Approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the Petition

and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, that the aforementioned Variance(s) be and the same is/are hereby DENIED.

Zoning Commissioner of Baltimore County

Ms. Edith M. Preston  
409 Everett Avenue  
Monkton, Maryland 21111

cc: McKee, DuVal, & Assoc., Inc.  
1717 York Road  
Lutherville, Maryland 21093

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 26th day of July, 1979.

*William E. Hammond*  
WILLIAM E. HAMMOND  
Zoning Commissioner

Petitioner Edith M. Preston

Petitioner's Attorney \_\_\_\_\_

Reviewed by: *Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman, Zoning Plans  
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 16, 1979

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

cc: Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Ms. Edith M. Preston  
409 Everett Avenue  
Monkton, Maryland 21111

RE: Item No. 196  
Petitioner - Preston  
Variance Petition

Dear Ms. Preston:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced Petition and has made an on-site field inspection of the property. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This Variance Petition originated as a result of your proposal to construct a tenant house on this property within 15' of the side property line, in lieu of the required 50'. However, because you have now decided to subdivide this property, an additional Variance for minimum diametral dimension has been included with the request.

All comments from this Committee were written in reference to the formal proposal. However, I have contacted each member concerning your revision, and they indicated that the original comments are still applicable. The only exception would be those of the Office of Current Planning, which would indicate that all Baltimore County Subdivision Regulations must be satisfied.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This Petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI, Chairman  
Zoning Plans Advisory Committee

NBC/sf

Enclosures

cc: McKee, DuVal & Associates  
1717 York Road  
Lutherville, Maryland 21093

Baltimore County  
Department of Public Works  
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.  
DIRECTOR

May 8, 1979

Mr. S. Eric DiNenna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #196 (1978-1979)  
Property Owner: Edith M. Preston  
S/S Everett Rd. 407.6' W. York Rd.  
Existing Zoning: RC-5  
Proposed Zoning: Variance to permit a side setback of 15' in lieu of the required 50'.  
Acres: 15.191 acres District: 7th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Subdivision of property within Baltimore County is subject to Baltimore County Subdivision Regulations.

Highways:

Everett Road, an existing public road, is proposed to be improved in the future on a 50-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes will be required in connection with any grading or building permit application or further development of this property.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Item #196 (1978-1979)  
Property Owner: Edith M. Preston  
Page 2  
May 8, 1979

Storm Drains: (Cont'd)

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

Future drainage and utility easements will be required through this property.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is utilizing private onsite facilities. This property is beyond the Baltimore County Metropolitan District and the Urban-Rural Demonstration Line. Baltimore County Water and Sewerage Plans W and S-10B, as amended, indicate "No Planned Service" in the area.

Very truly yours,

*Ellsworth M. Diver, P.E.*  
ELLSWORTH M. DIVER, P.E.  
Chief, Bureau of Engineering

END:RAM:FWR:ss

cc: J. Wimbley  
D. Grise

HH-SE Key Sheet  
105 & 106 NW 10 Pos. Sheets  
NW 27 C Topo  
22 Tax Map

Baltimore County  
Office of Planning and Zoning  
TOWSON, MARYLAND 21204  
(301) 494-3211

LESLIE H. GRAFF  
DIRECTOR

June 14, 1979

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #196, Zoning Advisory Committee Meeting, March 27, 1979, are as follows:

PROPERTY OWNER: Edith M. Preston  
Location: S/S Everett Ave. 407.6' W. York Road  
Existing Zoning: RC-5  
Proposed Zoning: Variance to permit a side setback of 15' in lieu of the required 50'.  
Acres: 15.191 acres  
District: 7th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

*John L. Wimbley*  
John L. Wimbley  
Planner III  
Current Planning and Development

Baltimore County  
Department of Traffic Engineering  
TOWSON, MARYLAND 21204  
(301) 494-3550

STEPHEN E. COLLINS  
DIRECTOR

April 5, 1979

Mr. S. Eric DiNenna  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

RE: Zoning Comments

Dear Mr. DiNenna:

The Department of Traffic Engineering has no comments on the following items of the Zoning Advisory Committee Meeting of March 27, 1979: Items 195, 196, and 197.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan  
Engineer Associate II

MSF/hmd

Baltimore County  
Department of Health  
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.  
DEPUTY STATE AND COUNTY HEALTH OFFICER

June 6, 1979

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #196, Zoning Advisory Committee meeting of March 27, 1979, are as follows:

Property Owner: Edith M. Preston  
Location: S/S Everett Ave. 407.6 W York Road  
Existing Zoning: R.C. 5  
Proposed Zoning: Variance to permit a side setback of 15' in lieu of the required 50'.  
Acres: 15.191  
District: 7

The proposed house will be served by a private water well and sewage disposal system. Prior to application for a building permit, soil percolation tests will have to be performed. A water well meeting all Baltimore County Department of Health and State of Maryland Department of Health and Mental Hygiene requirements, must be drilled prior to approval of a Building Permit.

Very truly yours,  
*Ian J. Forrest*  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF/JRI:ph 4

JAN 2 1980



Baltimore County  
Fire Department  
TOWSON, MARYLAND 21204  
(301) 825-7310

Paul H. Reincke  
CHIEF

April 17, 1979

Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: N. Commodari, Chairman  
Zoning Advisory Committee

Re: Property Owner: Edith M. Preston

Location: S/S Everett Ave. 407.6' W York Rd.

Item No. 196 Zoning Agenda Meeting of 3/27/79

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle load and condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED Carl J. Kelly 4/17/79 Noted and Approved: George M. Wiegandt  
Planning Group Fire Prevention Bureau  
Special Inspection Division

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari Date: April 3, 1979  
FROM: Ted Burnham  
SUBJECT: Zoning Advisory Meeting  
March 27, 1979

ITEM NO. 195 No objection - Standard Comment  
ITEM NO. 196 No objection Standard Comment  
ITEM NO. 197 Plans were missing, no comment.  
ITEM NO. 198 See Comments

Charles E. Burnham  
Ted Burnham, Chief  
Plans Review

TB:rrj

### PETITION FOR VARIANCE 1st DISTRICT

ZONING: Petition for Variance for minimum diagonal dimension and side yard setback.  
LOCATION: South side of Everett Ave., 407.6 feet West of York Road.  
DATE & TIME: Tuesday, August 28, 1979 at 9:30 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing for Variance to permit a minimum diagonal dimension of 148 feet in lieu of the required 200 feet and to permit a 15 foot side yard setback in lieu of the required 50 feet.

The Zoning Regulation to be excepted as follows:  
Section 1404.3.3.3 - diagonal dimension  
Section 1404.3.3.3 - side yard setback

All that parcel of land in the Second District of Baltimore County beginning for the same on the Southern right-of-way of Everett Avenue said point being 407 feet West of the intersection of Everett Avenue and York Road and running thence binding on the south, right-of-way of Everett Avenue the following two courses and distances: South 88° 17' West 110.00 feet, South 89° 17' East 40.00 feet thence due South 321.00 feet thence North 89° 17' East 40.00 feet thence due North 110.00 feet to the place of beginning, 2.00 acres of land more or less.

Being the property of Edith M. Preston, as shown on plat plan filed with the Zoning Department.  
Hearing Date: Tuesday, August 28, 1979 at 9:30 A.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.  
By Order Of:  
WILLIAM E. HAMMOND,  
Zoning Commissioner  
of Baltimore County  
Aug. 9

### CERTIFICATE OF PUBLICATION

TOWSON, MD., August 2, 1979

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~on each~~  
~~not one time~~ ~~successive~~ before the 28th day of August, 1979, the first publication appearing on the 9th day of August, 1979.

L. Frank Shuster  
Manager.

Cost of Advertisement, \$ \_\_\_\_\_

### PETITION FOR VARIANCE 7th DISTRICT

ZONING: Petition for Variance for minimum diagonal dimension and side yard setback.  
LOCATION: South side of Everett Avenue, 407.6 feet West of York Road.

DATE & TIME: Tuesday, August 28, 1979 at 9:30 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing for Variance to permit a minimum diagonal dimension of 148 feet in lieu of the required 200 feet and to permit a 15 foot side yard setback in lieu of the required 50 feet.

The Zoning Regulation to be excepted as follows:  
Section 1404.3.3.3 - diagonal dimension  
Section 1404.3.3.3 - side yard setback

All that parcel of land in the Seventh District of Baltimore County beginning for the same on the Southern right-of-way of Everett Avenue said point being 407 feet West of the intersection of Everett Avenue and York Road and running thence binding on the south, right-of-way of Everett Avenue the following two courses and distances: South 88° 17' West 110.00 feet, South 89° 17' East 40.00 feet thence due South 321.00 feet thence North 89° 17' East 40.00 feet thence due North 110.00 feet to the place of beginning, 2.00 acres of land more or less.

Being the property of Edith M. Preston, as shown on plat plan filed with the Zoning Department.  
Hearing Date: Tuesday, August 28, 1979 at 9:30 A.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.  
By Order Of:  
WILLIAM E. HAMMOND,  
Zoning Commissioner  
of Baltimore County  
Aug. 9



TOWSON, MD. 21204 August 9, 1979

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Edith M. Preston was inserted in the following: L05043

☐ Catonsville Times ☐ Arbutus Times  
☐ Essex Times ☐ Community Times  
☒ Towson Times

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 10 day of August, 1979, that is to say, the same was inserted in the issues of August 9, 1979.

STROMBERG PUBLICATIONS, INC.

BY Laura Stromberg

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 7th Date of Posting: August 10, 1979  
Posted for: PETITION FOR VARIANCE  
Petitioner: EDITH M. PRESTON  
Location of property: S/S EVERETT AVE., 407.6' W YORK ROAD  
Location of Signs: S/S EVERETT RD. 500' +/- W OF YORK RD.  
Remarks: Thomas G. Rahand  
Posted by: Thomas G. Rahand Signature Date of return: August 17, 1979

1-SIGN

### BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your Petition has been received \* this 13th day of March 1979. Filing Fee \$25.00. Received ☒ Check ☐ Cash ☐ Other

Eric Dinenna  
S. Eric Dinenna,  
Zoning Commissioner  
Petitioner Edith Preston Submitted by Jeffrey Schultz  
Petitioner's Attorney McKee, DuVal & Ingolia, P.C. Reviewed by Dina Ditt

\* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 83138

DATE: August 24, 1979 ACCOUNT: 01-662

AMOUNT: \$17.00

RECEIVED FROM: Edith M. Preston

FOR: Advertising and Posting for Case #80-19-A

3835245 20 47.00 MC

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 83070

DATE: July 31, 1979 ACCOUNT: #01-662

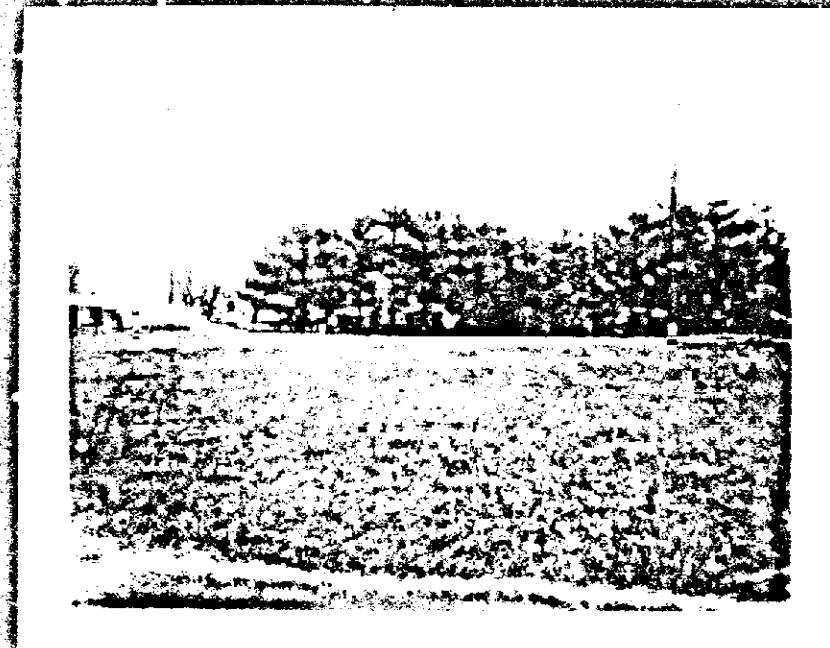
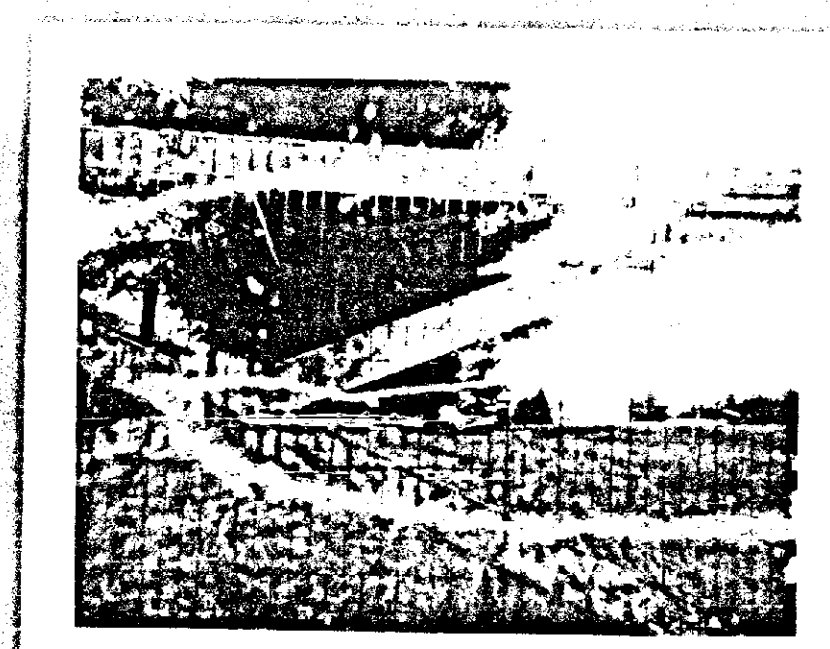
AMOUNT: \$25.00

RECEIVED FROM: McKee, DuVal & Ingolia, P.C.

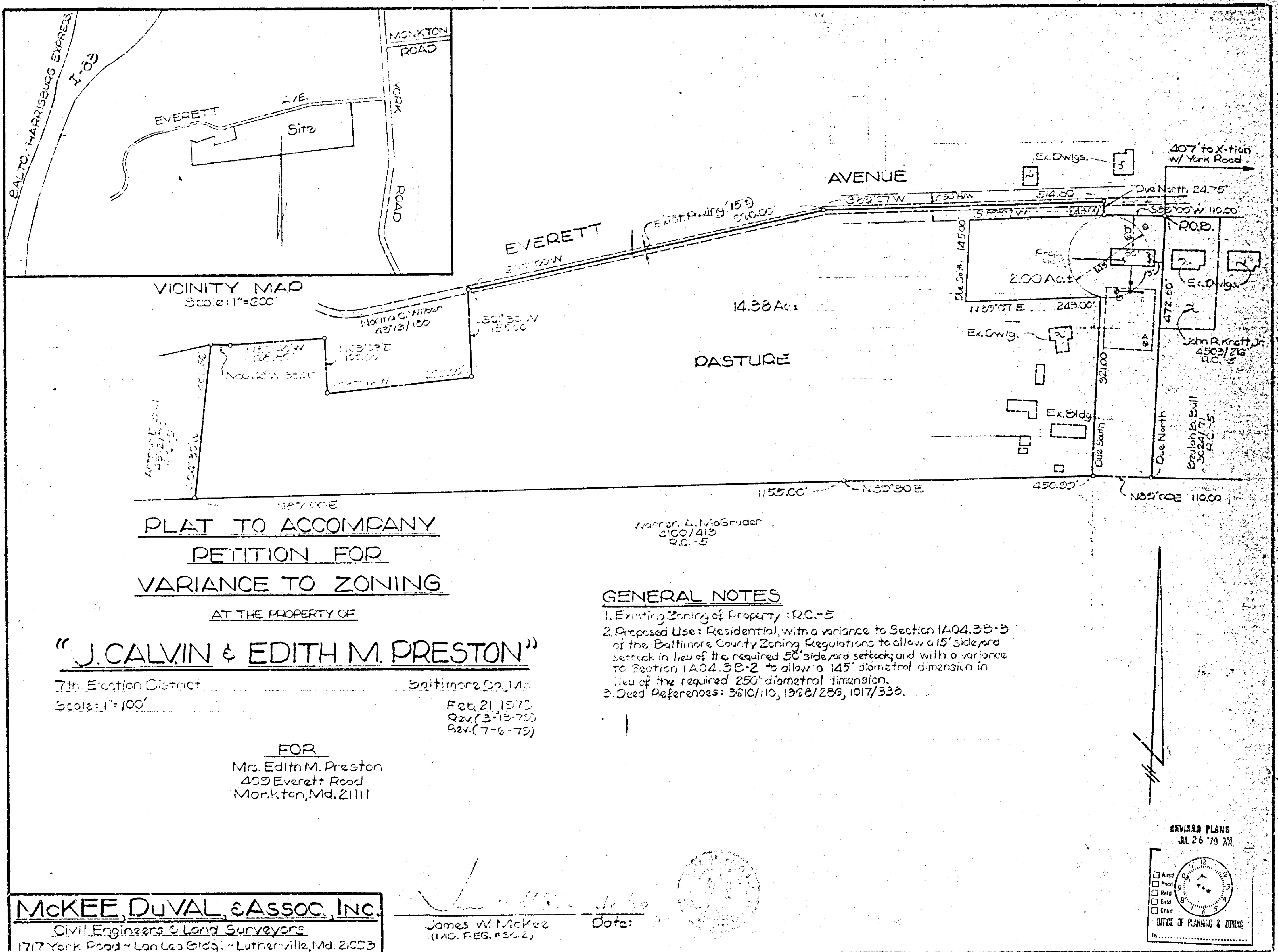
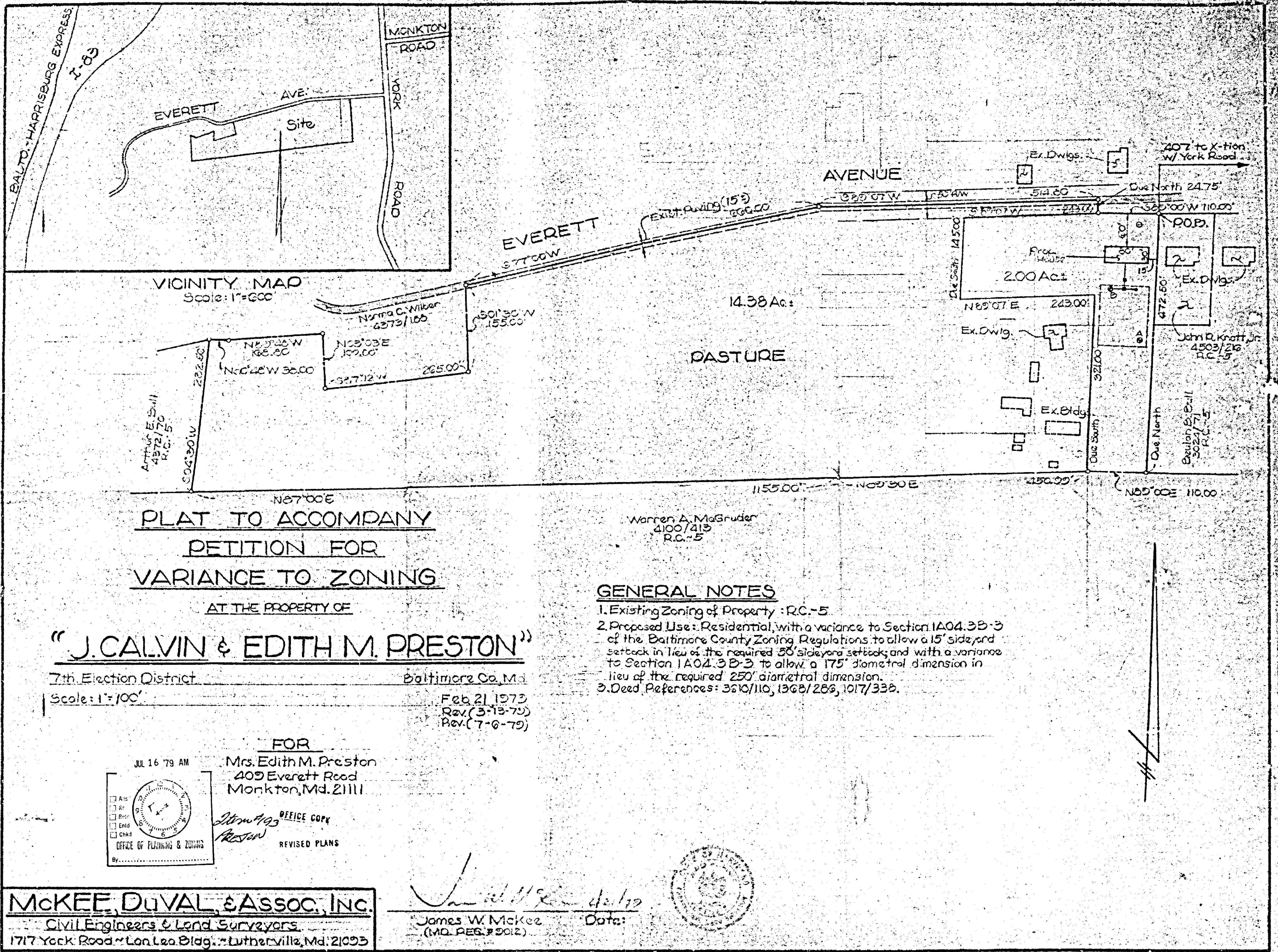
FOR: Filing Fee for Case #80-19-A

3874245 1 25.00 MC

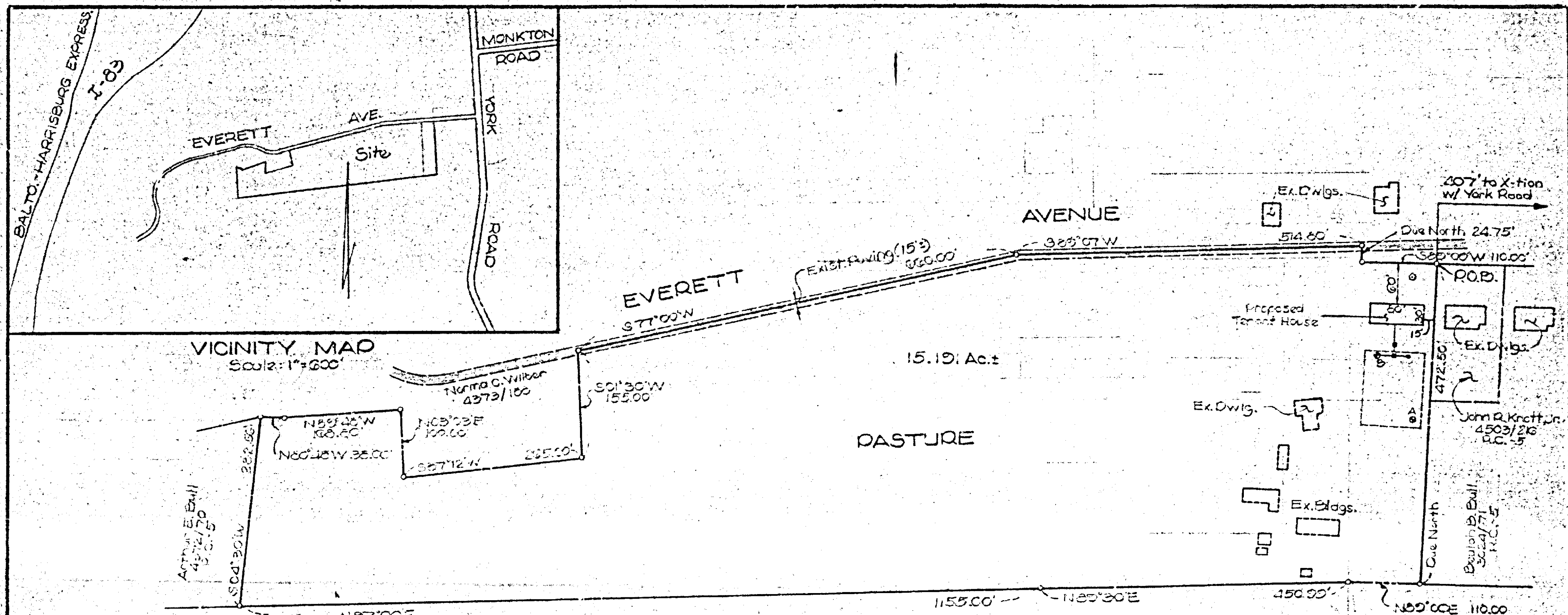
VALIDATION OR SIGNATURE OF CASHIER











**PLAT TO ACCOMPANY  
PETITION FOR  
VARIANCE TO ZONING**

AT THE PROPERTY OF

**"J. CALVIN & EDITH M. PRESTON"**

7th Election District Baltimore Co., Md.

Scale: 1"=50' Feb 21, 1979  
Rev. (3-13-79)

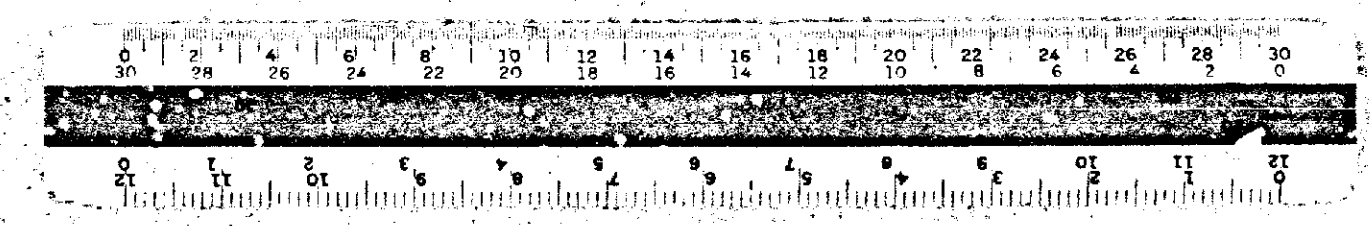
MAP: 26-  
NW 27C  
BY: 3-A-A  
J  
11/2  
FINAL  
BY:

**FOR**  
Mrs. Edith M. Preston  
403 Everett Road  
Monkton, Md. 21111

*OLD PLAT*

**GENERAL NOTES**

1. Existing Zoning of Property: R.C.-5
2. Proposed Use: Residential, with a variance to Section 1A04.3B-3 of the Baltimore County Zoning Regulations to allow a 15' sideyard setback in lieu of the required 50' sideyard setback.
3. Deed References: 2610/110, 1017/338, 1368/286.



**McKEE, DUVAL & ASSOC., INC.**  
Civil Engineers & Land Surveyors  
1717 York Road ~ Lan Lea Bldg. ~ Lutherville, Md. 21093

*James W. McKee* 2/21/79  
James W. McKee  
(MD. REG. # 2012)  
Date:

